

## Message Text

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ORIGIN EUR-12

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DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

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DRAFTED BY EUR/CE:JKORNBLUM:NLS

APPROVED BY EUR - MR. VINE

EUR/CE - MR. ANDERSON

L/EUR - MR. SMALL

C - MR. DOBBINS

S/S - FVORTIZ

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FM SECSTATE WASHDC

TO AMEMBASSY BONN IMMEDIATE

USMISSION USBERLIN IMMEDIATE

INFO AMEMBASSY LONDON IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

AMEMBASSY BERLIN IMMEDIATE

USMISSION NATO IMMEDIATE

C O N F I D E N T I A L STATE 055155

E.O. 11652:GDS

TAGS: PFOR, PBOV, GW, GE, WB, US, UK, FR, UR

SUBJECT:REICHSBAHN CONSTRUCTION IN WEST BERLIN

REF: BONN 3676

1. DEPARTMENT APPRECIATES EXCELLENT REPORTING AND ANALYSIS

EMBASSY AND MISSION HAVE PROVIDED ON THIS VEXING PROBLEM.

WE AGREE WITH EMBASSY ANALYSIS (REFTEL) THAT A VARIETY  
OF IMPORTANT FRG AND ALLIED POLITICAL AND LEGAL INTERESTS  
ARE INVOLVED IN THE PRESENT SITUATION AND THAT EVERY

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EFFORT SHOULD BE MADE TO ACHIEVE A SATISFACTORY RESOLUTION

OF THE PROBLEM.

2. WE THUS SUPPORT EFFORTS BY GAUS TO DISCUSS THE QUESTION OF REICHSBAHN COMPLIANCE FURTHER WITH THE GDR IN THE CONTEXT OF THE DECEMBER AGREEMENT ON TRANSIT IMPROVEMENTS, ALTHOUGH WE DO NOT WISH TO ENCOURAGE TREATMENT OF REICHSBAHN/WSB MATTERS ON GDR GOVERNMENTAL LEVEL. DEPARTMENT WILL CONSIDER GDR RESPONSE TO GAUS APPROACH BEFORE DECIDING FINALLY ON HOW TO ENSURE GDR COMPLIANCE WITH ALLIED BK/O .

3. AT SAME TIME, WE AGREE WITH EMBASSY BONN THAT REICHSBAHN REFUSAL TO COMPLY NEEDS TO BE VIEWED IN A BROADER CONTEXT. OVER THE YEARS, THE REICHSBAHN HAS OFTEN ATTEMPTED TO AVOID ALLIED AUTHORITY, TESTING OUR WILL. IN PAST CASES, ALLIES HAVE BEEN FIRM IN REQUIRING COMPLIANCE, AT TIMES GOING AS FAR AS OCCUPYING REICHSBAHN INSTALLATIONS TO ENSURE THAT OUR WISHES WERE CARRIED OUT. IT APPEARS THAT IN THIS CASE, GDR IS HOPING THAT THE EVOLUTION OF ITS RELATIONS WITH THE FRG HAS SUFFICIENTLY CHANGED MATTERS TO NOW INDUCE THE ALLIES TO REFRAIN FROM TAKING FIRM ACTION TO REQUIRE COMPLIANCE. WE SHOULD HAVE NO ILLUSION ABOUT THE FACT THAT GIVING IN TO GDR PRESSURES ON THIS ISSUE WOULD HAVE THE LONG TERM NEGATIVE CONSEQUENCES MENTIONED BY THE EMBASSY IN REFTEL, AND FINALLY GRANT THE GDR ITS LONG SOUGHT INDEPENDENCE OF ALLIED CONTROL ON WSB RAIL MATTERS.

4. IN FURTHER DISCUSSION OF THIS ISSUE IN BONN GROUP, EMBASSY SHOULD STRESS THE IMPORTANCE FOR BOTH FRG AND ALLIED INTERESTS OF ENSURING FULL REICHSBAHN COMPLIANCE WITH ALLIED BK/O. WHILE WE UNDERSTAND THE POLITICAL IMPORTANCE OF THE DECEMBER AGREEMENT, WE BELIEVE IT WOULD BE UNWISE TO PULL BACK SIMPLY TO AVOID CONTROVERSY WITH THE OTHER SIDE.

5. FOR THIS REASON, DEPARTMENT FULLY SUPPORTS NEGATIVE REACTION OF US REP TO COMPROMISE PROPOSAL PUT FORWARD BY UK REP (PARA 6 REFTEL). ACCEPTANCE OF WHAT AMOUNTS TO AN AGENT THEORY FOR REICHSBAHN ACTIVITIES IN WEST BERLIN WOULD REPRESENT CAPITULATION TO REICHSBAHN REFUSAL TO

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FOLLOW AN ALLIED ORDINANCE. WE AGREE THAT DIRECT REQUEST BY REICHSBAHN ITSELF, WITHOUT GDR, TO SENAT, FOR TRANSMITTAL TO ALLIES WOULD BE PALATABLE. WE DO NOT CONSIDER THAT PARA 11 (D) APPROACH IS PROMISING SINCE THIS WOULD ACCEPT GDR RATHER THAN REICHSBAHN ROLE IN THE COMPLIANCE PROCESS. IF FURTHER APPROACHES TO GDR AND SOVIETS DO NOT RESULT IN COMPLIANCE, OUR PRESENT FEELING IS THAT ALLIES WILL HAVE NO ALTERNATIVE BUT TO ORDER SUSPENSION

OF CONSTRUCTION WHICH HAS ALREADY BEGUN. WE BELIEVE THAT  
GDR FINANCIAL INTEREST IN DECEMBER AGREEMENTS IS SUFFICIENT  
TO ENSURE THAT THEY WILL NOT RISK ENDANGERING OVERALL  
AGREEMENT IF FACED WITH A FIRM POSITION FROM THE WESTERN  
SIDE. KISSINGER

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